IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

OP.No. 12999 of 2001(V)

PETITIONER:

RAJENDRAN NAIR, S/O.P.NEELAKANDA PILLAI,
AGED 51 YEARS, RESIDING AT AISWARYA,
PADANAKAD.P.O., PADANAKAD,
HOSDURG, KASARAGOD.

BY ADV. SRI.M.RAMESH CHANDER
SRI.M.VIJAYAKUMAR

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KASARAGOD.

2. KANHANGAD NEHRU ARTS AND SCIENCE COLLEGE STUDENTS CO-OPERATIVE SOCIETY,
P.O. PADANAKAD, KASARAGOD DISTRICT.

*3. DEPUTY REGISTRAR (VIGILANCE), CO-OPERATIVE SOCIETIES, KANNUR.

(*ADDL. R3 impleaded AS PER ORDER DATED 07/09/05 IN I.A.No 13368/05)

BY ADV.SHRI.R.BINDU, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 12999/2001

ORDER ON CMP NO. 20699/2001 IN O.P.No. 12999/2001

DISMISSED.

15/03/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON I.A.No 10323/2005 IN O.P.No. 12999/2001

DISMISSED.

15/03/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF RECEIPT ISSUED BY SMT.DEVI.

P2 : COPY OF THE ORDER OF THE FIRST RESPONDENT DATED 02/01/2001.

P3 : COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE FIRST RESPONDENT.

P4 : COPY OF THE RESOLUTION OF THE MANAGING COMMITTEE OF THE 2ND RESPONDENT.

P5 : COPY OF THE ORDER DATED 24/3/2001 ISSUED BY THE FIRST RESPONDENT.

P6 : COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 12999 of 2001 V

Dated, this the 15th day of March, 2007

J U D G M E N T

Petitioner is challenging Ext.P5, whereunder the Joint Registrar of Co-operative Societies requested the 2nd respondent to recover Rs. 40,000/- from the petitioner, which petitioner as the Secretary of the 2nd respondent Society has given without any voucher or any supporting documents to a previous employee of the Society. The learned counsel for the petitioner produced a copy of the resolution by the Board of Directors, which according to the petitioner authorized him to release the payment to the previous employee. However, resolution does not authorize the petitioner to fix the amount payable to the previous employee or make payment to her. Petitioner himself conceded that payment of a massive sum of Rs. 40,000/- was made through cash, which is not even supported by any authorisation. In the circumstance, I find no ground to interfere with the recovery proceedings and this original petition is dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg